

Contractors State License Board

Building Official Information Guide

2001



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CONTRACTORS
STATE LICENSE BOARD





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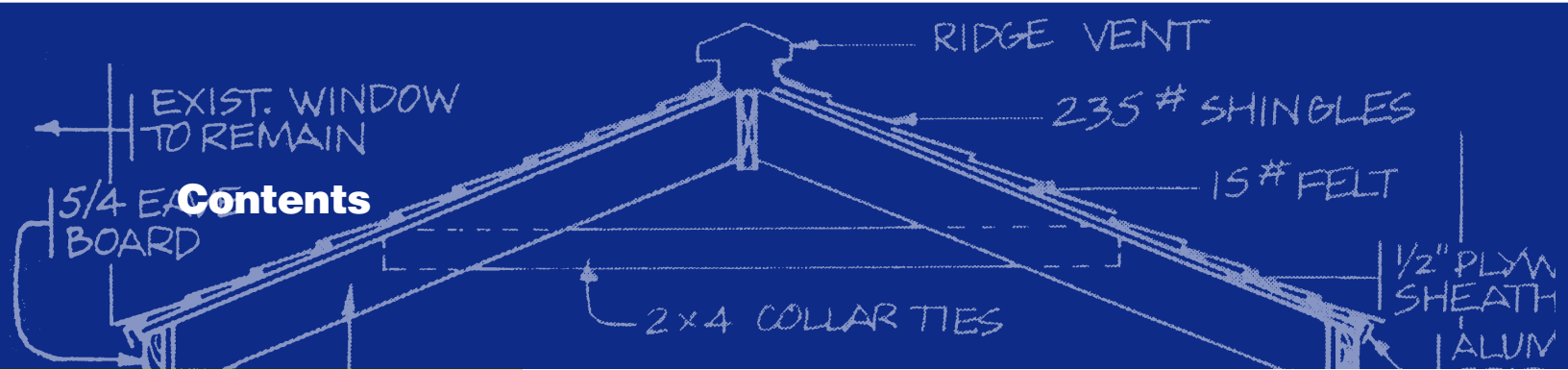
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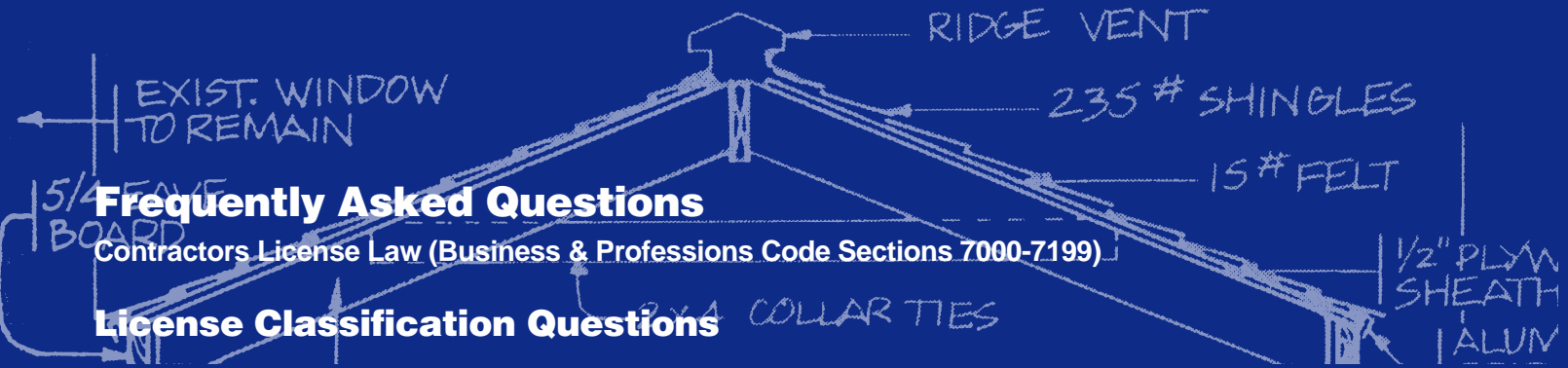


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Frequently Asked Questions

Contractors License Law (Business & Professions Code Sections 7000-7199)

License Classification Questions

General Engineering ("A") Contractor (B&P 7056)

1. Can a general engineering ("A") contractor contract to perform the work of a single trade (specialty work) if that specialty work is an integral part of the scope of work for a general engineering contractor? For example, a general engineering contractor can build a freeway, which can include pouring concrete and putting up fences. Can the "A" contractor take a contract for concrete work only or to build a fence only?

An "A" contractor can contract to perform all or any part of a project that falls under the "A" classification. California Code of Regulations section 834(a) states "...a general engineering contractor shall operate only within those areas defined in Section 7056 of the [B&P] Code." Therefore an "A" contractor could take a contract to build a fence or pour concrete if the work was originally or currently part of the type of projects listed in B&P Code section 7056 (airports, roads and similar "fixed works").

General Building ("B") Contractor (B&P 7057)

2. How is a general building ("B") contractor defined in Contractors License Law?

Section 7057(a) broadly defines general building contractor as a contractor whose principal business is in connection with any structure built, being built, or to be built, requiring in its construction the use of at least two unrelated building trades or crafts; however, framing or carpentry projects may be performed without limitation. In some instances, a general building contractor may take a contract for projects involving one trade only if the general contractor holds the appropriate specialty license or subcontracts with an appropriately licensed specialty contractor to perform the work.

Subsections (b) & (c) of section 7057 specifically define the situations in which a "B" contractor may take a prime contract or subcontract.

3. The last part of the first paragraph of section 7057 states "...or to do or superintend the whole or any part thereof." What does this mean?

Any projects, or portions thereof, that are identified under section 7057 as appropriate for the "B" General Building classification may be completed by a "B" contractor through the licensee's own forces, **and/or** by overseeing (**superintending**) the work of properly licensed subcontractors.



4. How does the CSLB differentiate between a prime contract and a subcontract?

A prime contract is a contractual relationship made between the owner of the property and the contractor. A subcontract is when the contractor does not have a direct contractual relationship with the owner of the property. For example, the subcontractor contracts with the *prime contractor*.

5. What prime contracts or subcontracts can a “B” contractor take?

A “B” contractor can take a prime contract **or** subcontract for:

- a. framing or carpentry projects; or
- b. projects that require at least two unrelated building trades other than framing or carpentry (cannot count framing or carpentry as one of the two unrelated trades); or
- c. any specialty projects (even if less than two unrelated trades) for which the “B” contractor also holds the required specialty class.

6. Can a “B” contractor take a “prime contract” for a single specialty trade?

A “B” contractor may take a prime contract for any specialty project (even if less than two trades); **if** the “B” contractor holds the specialty classification or subcontracts the work to an appropriately licensed specialty contractor.

7. Can a general building (“B”) Contractor take a “subcontract” for work involving a single trade if he plans to sub the work out?

As provided in B&P section 7057(b), a “B” contractor cannot take any subcontract (a subcontract is when the “B” does not have a direct contractual relation with the owner of property) for any single trade project (excluding framing or carpentry), **unless** he/she holds the required specialty license classification. For example, a “B” contractor may take a **prime** contract (contract directly with the owner of the property) to roof a home, then subcontract the work to a licensed roofing contractor. However, a “B” may not take a **subcontract** to roof a home, then subcontract the work out.

8. Can a “B” contractor take a contract for fire protection or well drilling work?

Section 7057 (c) prohibits a “B” contractor from taking a contract for any project that includes work covered under a C-16 (Fire Protection) or C-57 (Well Drilling) classification, **unless** the “B” contractor either holds the C-16 or C-57 class or subcontracts the work to a properly licensed specialty contractor.

9. Can a “B” contractor obtain a roofing permit when the work involves replacing fascia board, painting eaves and applying a new roof cover?

If the work is part of an overall general building project, then yes, the “B” contractor could obtain a roofing permit and perform or subcontract the work.

**C-27—
Landscaping
Contractor
(CCR 832.27)**



- 10. The first paragraph of B&P section 7057 refers to “chattels.” What are chattels?**

Webster’s Collegiate Dictionary defines chattels as: “an item of tangible movable or immovable property except real estate, freehold, and things (as buildings) connected with real property.” Example: A tool or equipment shed is a structure that is designed to house “chattels.”

- 11. Can a landscaping (C-27) contractor pull permits and perform work involving gas lines and/or electrical circuits? This is sometimes the case when yard lighting or a pre-manufactured spa or an outdoor barbecue is part of the landscaping contract.**

A C-27 contractor may obtain permits and contract for such work, provided the work is part of or incidental to an overall landscaping project.

- 12. Can a landscaping contractor contract and pull permits for patio covers or outdoor decks?**

A C-27 contractor may contract and pull permits for “nonwatertight” patio covers or outdoor decks.

- 13. If a patio cover is attached to the house, what classification(s) can build it?**

Patios with lattice type covers can be built by either a general building (“B”) contractor, a carpentry contractor (C-5), or a landscaping contractor.

- 14. Are there any restrictions on the size, height, or type of deck that a landscaping contractor can contract or pull permits for?**

Generally, there are no restrictions on the size, height, or type of deck that a landscaping contractor can contract or pull permits for. However, certain structural work may be precluded. A review will be made on a case-by-case basis.

- 15. Can a landscaping contractor build a perimeter wall?**

Only if the perimeter wall is part of a total landscaping project.

- 16. Can a landscaping contractor do a single trade, i.e. concrete, masonry, carpentry?**

A landscaping contractor may undertake any single trade contract, provided such work is a part of:

“...landscape systems and facilities...which are designed to aesthetically, architecturally, horticulturally, or functionally improve the grounds within or surrounding a structure or a tract or plot of land...” (Board Rule 832.27)

**C-36 Plumbing
Contractor
(CCR 832.36)**

17. If an outdoor wall is built simply for its aesthetic value, what classification is required?

A landscaping contractor, general building contractor, or carpentry contractor would be appropriate if carpentry skills are required. A masonry wall would require either a landscaping or masonry contractor.

18. Can a C-36 Plumbing Contractor contract and pull permits for the installation of a seepage pit or other components of a septic system?

A C-36 Plumbing Contractor may contract and pull permits for installation of a seepage pit or other components of a septic system. An "A" General Engineering or C-42 Sanitation System Contractor may also perform this work. All three licenses are appropriate to install or repair all septic systems.

19. What license classifications are allowed to install or repair building sewers?

"A" General Engineering, C-36 Plumbing, C-42 Sanitation System, and C-34 Pipeline Contractors may install and/or repair building sewers. A "B" General Building Contractor may perform this work if it falls within the scope of work of a general building contractor as defined in B&P section 7057.

20. What license or certification is appropriate for removal of underground storage tanks?

Removal of underground storage tanks requires the Hazardous Substance Certification in addition to the appropriate license classification.

An "A" General Engineering Contractor is appropriate to install and/or remove underground storage tanks for any purpose whatsoever at any location.

A C-36 Plumbing Contractor is appropriate to install and/or remove any underground storage tank that provides a service to a building. This includes storage tanks for service stations.

A C-61/D-40 Limited Specialty Service Station Equipment Contractor is appropriate to install and/or remove underground fuel storage tanks with a capacity of up to 20,000 gallons at service stations or any other site.

A "B" General Building Contractor is appropriate to install and/or remove an underground storage tank only if such work is performed within the meaning of B&P section 7057, the definition of a general building contractor.

21. Can a C-8 Concrete Contractor contract and pull permits for a lattice patio cover?

No. A C-8 contractor can only work with wood when it is part of a formwork for concrete.

**C-8 Concrete
Contractor
(CCR 832.08)**

C-53—Swimming Pool Contractor (CCR 832.53)

22. Can a C-53 Swimming Pool Contractor contract and pull permits for a patio cover?

No. A C-53 contractor cannot contract or pull permits for a patio cover.

23. Assembly Bill 2697 (regarding swimming pool safety) was signed by the Governor in 1998. Among other things, the bill requires all dry-niche and wet-niche light fixtures operating at more than 15 volts to be protected by a ground-fault circuit interrupter (GFCI). Who can perform the installation and inspection of this work?

The installation and inspection of electrical work in public swimming pools (required by Senate Bill 873) may be done by either an engineering ("A") contractor, electrical (C-10) contractor, swimming pool (C-53) contractor, or a pool & supply maintenance (C-61/D-35) contractor.

C-39—Roofing Contractor (CCR 832.39)

24. Can a roofing (C-39) contractor pull a repitch/reroof permit including the framing and structural work that is involved?

Generally, structural changes are inappropriate for the C-39 contractor on a reroof/repitch. However, certain projects may require special consideration and a determination will be made on a case-by-case basis.

C-16—Fire Protection (CCR 832.16)

25. What is the proper license to install fire protection systems?

B&P section 7026.12 is very specific. It states:

"The installation of a fire protection system, excluding an electrical alarm system, shall be performed only by a contractor holding a fire protection contractor classification..." as defined in the California Code of Regulations section 832.16 Fire Protection Contractor "...or by an owner-builder of an owner-occupied, single-family dwelling, if not more than two single-family dwellings on the same parcel are constructed within one year..."

Sign Installation

26. What classification of license is appropriate for installation of signs?

If the installation of a sign falls under the definition of contracting (B&P 7026), the following licenses would be appropriate:

- C-10 Electrical or C-45 Electrical Sign would be required for electrical signs;
- C-45 Electrical Sign or C-61/D-42 Limited Specialty would be required for nonelectrical signs.

(Note: Installation of any sign that comes under the purview of the Outdoor Advertising Act [California Administrative Code, Title 4, Chapter 6] does not require a contractor's license. Billboards are the most common and these types of installations require registration with the Department of Transportation.)

Minor Work Exemption (B&P 7048)

Agriculture Exemption (B&P 7049)

Owner/builder Exemption (B&P 7044)

27. Is it true a contractor's license is not required if the work to be performed is under \$500?

B&P section 7048 (Small Operations) provides an exemption from licensure for minor work if the aggregate contract price, including labor, materials, etc. is less than \$500. However, at the time of bid or prior to entering into a contract to perform work, the person performing the work must provide a written statement of non-licensure to the customer. Requirements for the notice are very specific (B&P 7048(b)). This exemption does not apply if the "minor work" is part of a larger project. Example: A homeowner is having a kitchen remodeled at a total cost of \$6,000 and decides to sublet the flooring work which is only \$300. The person doing the flooring would **not** be exempt from licensure because the **overall** cost of the project was over \$500.

28. What is agriculture exemption?

B&P section 7049 provides an exemption from licensure for any "construction or operation incidental to the construction and repair of ... farming, dairying, agriculture, viticulture, horticulture...". However, if a *licensed* contractor performs work included in the agriculture exemption, CSLB has jurisdiction over complaints.

29. Who is considered an owner/builder?

Any individual, or group of individuals, who own the property on which they plan to construct, alter, repair, improve, or remodel a building or structure. Also, a tenant may be considered an owner/builder (case-by-case).

30. Is an owner/builder required to have a license?

An owner/builder is exempt from licensure, but there are limitations. A license is not required if:

- a. The owner/builder does the work himself or herself or through his or her own employees with wages as their sole compensation **and** the structure(s) is/are not intended for sale.
- b. The owner/builder contracts with properly licensed subcontractor(s). This exemption applies to the construction of a single-family residential structure and limits the number of structures intended or offered for sale to four or fewer in a calendar year.
- c. Number of structures is unlimited if the owner/builder contracts with a general building ("B") contractor.

31. Is a homeowner required to obtain a license if he/she wants to improve his/her home?

A homeowner improving his or her principal place of residence is exempt from licensure if all of the following exist:

- a. The work is performed prior to sale;
- b. The homeowner resides in the residence for the 12 months prior to completion of the work; and,
- c. The homeowner has not taken advantage of this exemption on more than two structures during any three-year period.



Multiple Classes for a Project

Structural Pest Control Operator

Alarm Company Operator (B&P 7054)

32. Are there any trades that property owners are prohibited from performing themselves?

Property owners are prohibited from performing well-drilling work covered under the C-57 Well Drilling classification.

33. Does the owner/builder exemption apply to an individual who builds homes for resale (spec homes) and are there any limitations?

Yes. The owner/builder exemption would apply to an individual who builds homes for resale under any of the following conditions:

- a. Licensed tradesmen are hired to perform **all** work on the project (provided no more than four structures per calendar year are intended for resale).
- b. A licensed general contractor is hired to perform and/or subcontract the completion of **all** work on the project. (No restriction on the number of structures completed per calendar year.)
- c. The owner/builder performs the work, all or in part, and resides in the completed structure for one year prior to resale. (Applies to not more than two structures in a three-year period.)

34. Is it possible that more than one classification could be appropriate for a single project?

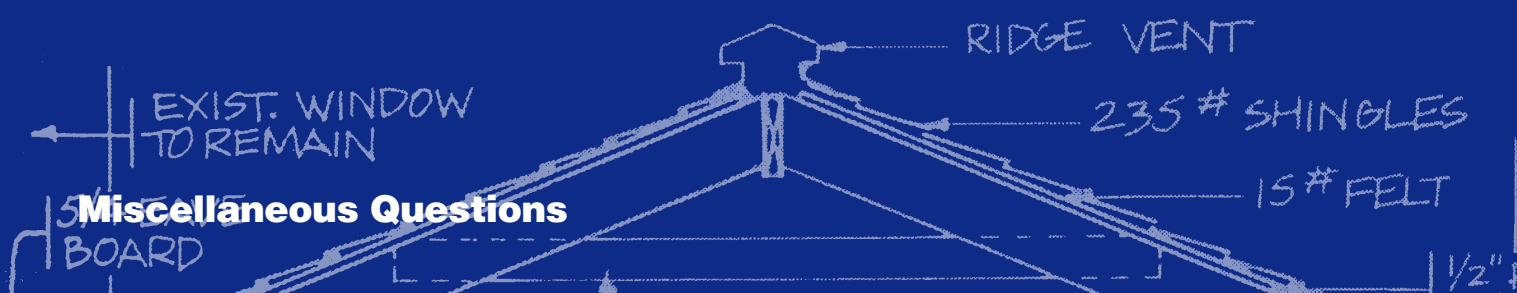
Yes—for example, grading and paving a road can be performed by either a general engineering (“A”) contractor or an earthwork & paving (C-12) contractor.

35. Is a licensed Structural Pest Control Operator required to have a contractor’s license when making structural repairs caused by wood-destroying pests or organisms?

Structural Pest Control Operators are **not** required to hold a contractor’s license when operating within the scope of their license. Only a Branch 3 Licensed Structural Pest Control Operator may contract and pull permits for the repair or replacement of wood damaged by wood-destroying pests or organisms. (Structural Pest Control Act, Chapter 14, Article 1 Section 7505 and Article 4 Section 8560). The key is replacement of damaged members.

36. Is an alarm company operator required to be licensed by the Bureau of Security and Investigative Services (BSIS) and the Contractors State license Board?

Individuals who install, maintain, monitor, sell, alter or service **burglar** alarm systems are exempt from licensure under the Contractors License Law (B&P section 7054) provided they are licensed by BSIS. **Fire** alarm work is subject to Contractors License Law and requires a C-10 Electrical license.



Miscellaneous Questions

Advertising

- 37. Are licensed contractors required to include their license numbers in advertisements?**

Any time licensed contractors advertise their services, whether on paper, over the air waves or on the Internet, a license number must appear. This includes but is not limited to letterhead, business cards, any type of directory listing, airwave transmissions, newspaper ads, vehicle lettering, or any form of advertising.

- 38. Is it against the law for an unlicensed individual to advertise construction services?**

No, as long as the advertisement includes a statement that the individual does not hold a contractor's license (B&P 7027.2).

Workers' Compensation Verification

- 39. Are local jurisdictions required by state law to verify workers' compensation insurance prior to issuing a permit?**

Under Labor Code Section 3800 subsection (a) city and county building departments "...shall require that each applicant for the permit sign a declaration under penalty of perjury verifying workers' compensation coverage or exemption from coverage as required by Section 19825 of the Health and Safety Code."

- 40. Does the Board maintain a record of workers' compensation coverage for licensed contractors?**

The CSLB is required to maintain a record of workers' compensation coverage or exemption. This information is available on the Board's web site, www.cslb.ca.gov, and by calling the Board's toll-free automated assistance number, 1-800-321-CSLB (2752).

Contractors License Verification

- 41. Are local jurisdictions required by state law to verify a contractors license prior to the issuance of a permit?**

Any city or county which requires the issuance of a permit shall also require a written and signed statement from a licensed contractor stating that he or she is licensed, the number of the license and that it is in full force and effect. Contractors are required by law to provide this information. (B&P section 7031.5)

- 42. Is there a similar requirement for unlicensed individuals who want to pull a permit?**

If the individual pulling the permit is exempt from licensure under the Contractors License Law then he or she must provide a written and signed statement giving the basis for the alleged exemption.

Amount of Down Payment

Contractor Fired— New One Hired

General Complaint Information



43. Is the amount of a down payment fixed by law?

B&P section 7159(d) states that a down payment for any home improvement contract (except swimming pools) may not exceed \$1,000 or ten percent of the contract price (excluding finance charges), whichever is less. The down payment for a swimming pool may not exceed \$200 or two percent of the contract price (excluding finance charges), whichever is less.

44. What happens when a contractor is fired and a new contractor is hired?

If there are no violations of the Contractors License Law, the Contractors State License Board has no jurisdiction over the firing or hiring of a contractor.

45. How can a homeowner obtain information on how to file a complaint?

Consumers can contact any CSLB office and request a copy of the pamphlet *Consumer Guide to Filing Complaints*, which explains the complaint process. Information can also be found on the Board's web site, www.cslb.ca.gov, and by calling the Board's toll-free automated assistance number, 1-800-321-CSLB (2752).

46. Will the Board investigate if a complainant wishes to remain anonymous?

There is a "confidential" box on the complaint form for individuals who wish to remain anonymous. However, this limits the type of complaints investigated since the Board cannot mediate a workmanship complaint with a licensed contractor unless the contractor is informed of the details of the job (site, homeowner, complainant issues).

47. How long does a person have to file a complaint?

The Board has jurisdiction over licensed contractors for up to four years from the date of an illegal act for patent defects and up to 10 years for latent "structural" defects [B&P 7091(a)(b)]. Jurisdiction for unlicensed contractors is up to four years from the date of the illegal act. [B&P 7028(d)].

48. How does the Board define "structural defect"?

Based on California Code of Regulations (CCR), the three elements below are required for a defect to be considered a "structural" defect as referenced in B&P 7091:

- a. There is a failure or probable failure in the load-bearing portions of a structure;
- b. The failed portions were not constructed in compliance with the code (this requires a violation notice from the building official); and
- c. The failure or condition results in the inability to use the affected portion of the structure for the purpose for which it was intended.



49. What if there is a warranty extending past four or ten years?

A legal action regarding an alleged breach of an express written warranty must be filed within the duration of that warranty.

50. What kinds of complaints can be forwarded to the CSLB for investigation?

Complaints within the Board's jurisdiction involve failure of a licensed contractor to fulfill the terms of an agreement, including poor workmanship; the requirement of a down payment in excess of the amount allowed by law; job abandonment; failure to pay subcontractors or material suppliers; building code violations; use of false, misleading or deceptive advertising; violations of the Home Improvement Act; and violations of the Swimming Pool Act.

51. What about fraud reported by consumers?

Fraud is a cause for disciplinary action (B&P Code, Section 7116).

52. What is the minimum documentation required by CSLB to pursue a complaint on a licensed contractor for performing construction work?

There is no minimum documentation required to pursue a complaint. However, the contractor must be identifiable and there must be an alleged violation of the Contractors License Law. All complaints are reviewed to determine whether they are within the jurisdiction of the Contractors State License Board.



How Building Officials File Complaints with the Contractors State License Board

Does the CSLB accept complaints filed by building officials?

In 1992, meetings between CSLB staff and building official representatives resulted in the development of procedures for filing of complaints by building officials and for handling of those complaints by CSLB.

Is there a special complaint form to be used by building officials?

The standard complaint form can be used. However, the form should be copied onto yellow or green paper so that CSLB staff may quickly identify complaints filed by building officials.

How do I fill out the CSLB complaint form?

You need only fill out the front page of the complaint form. List the building department as the complainant and name a contact person. The form must contain the name of the contractor, the project address and the items of complaint.

Are other documents helpful?

Yes. Filing the following documents at the time of the complaint may shorten the investigation time considerably:

- Certified copies of permits and applications for permits.
- Certified copies of correction notices.
- Certified copies of letters of citation to respondent.

Will I have to appear as a witness?

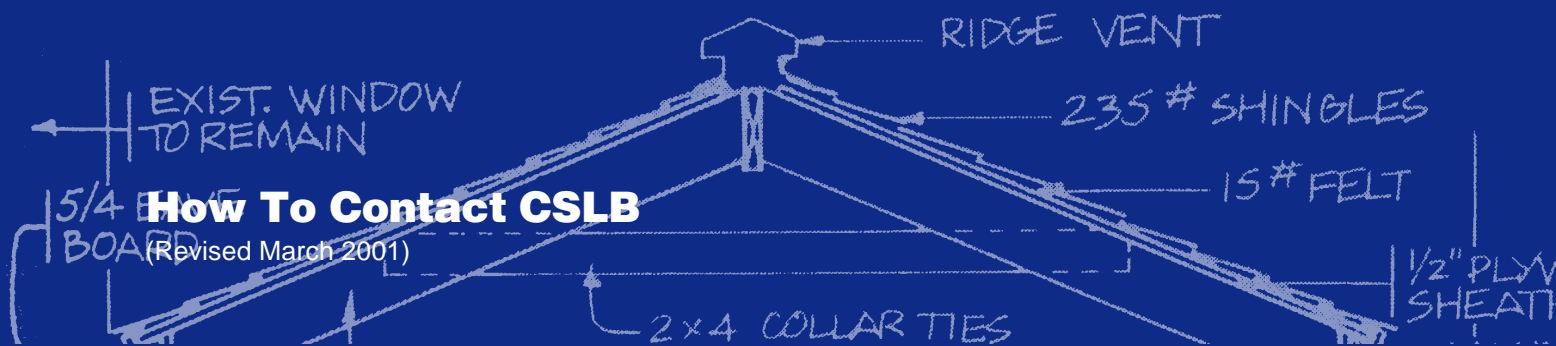
Very rarely, a building official will need to testify during the hearing process.

What happens to the complaint when it reaches CSLB?

CSLB Intake and Mediation Center supervisors have been instructed to review complaints from building officials upon receipt and assign the appropriate priority based on the seriousness of the complaint. As with all complaints, those involving serious health and safety matters are given highest priority.

Who should I contact if I have questions about a complaint?

Contact the CSLB office nearest you for general complaint information. (See page 15).



How To Contact CSLB

(Revised March 2001)

Headquarters

Street Address 9821 Business Park Drive, Sacramento, CA 95827-1703
 Mailing Address P.O. Box 26000, Sacramento, CA 95826-0026
 Internet Address www.cslb.ca.gov
 Toll-Free Automated Assistance (800) 321-CSLB (2752)
 General Information/Call Center (916) 255-3900
 Disaster Hotline (800) 962-1125
 Executive Fax (916) 364-0130

Licensing & Classification Information

Licensing Fax (916) 366-9130
 Licensing E-mail Licensing@dca.cslb.ca.gov

Northern California

General Complaint Information (800) 321-CSLB
 For complaints on work performed in California counties NOT mentioned below,
 mail complaint forms to P.O. Box 269116, Sacramento, CA 95826-9116
 Legal Action Disclosure (916) 255-4041
 Report Unlicensed Activity (SWIFT)* (916) 255-2924
 Northern SWIFT Fax (916) 369-7265

Southern California

General Complaint Information (800) 235-6393
 For complaints on work performed in Imperial, Los Angeles, Orange, Riverside,
 San Bernardino and San Diego counties, mail complaint forms to:
 P.O. Box 1007, Norwalk, CA 90651-1007
 Legal Action Disclosure (562) 466-6012
 Report Unlicensed Activity (SWIFT)* (562) 466-6017
 Southern SWIFT Fax (562) 466-6065

*Through its Statewide Investigative Fraud Team (SWIFT), CSLB works to eliminate the number of unlicensed contractors working in California.